

Department of Workforce Development

Voluntary Paternity Acknowledgment



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Section 1: Introduction & Overview

Helping children is the primary goal of the Voluntary Paternity Acknowledgment Program. A child benefits in many ways, measured and immeasurable, from knowing his or her father. With your participation in the Voluntary Paternity Acknowledgment Program, you help children start their lives knowing both parents, whether or not the family lives together.

Federal law and Wisconsin law require that each birthing hospital have trained, designated staff who explain to unmarried parents the rights and responsibilities of, and the alternatives to, voluntary paternity establishment. Parents must be given a copy of the *Voluntary Paternity Acknowledgment* form, and a verbal explanation of the form. The verbal explanation can be in the form of an audio or videotape, but a trained staff person must be available to answer questions.

The Voluntary Paternity Acknowledgment Program is based on the finding that fathers are most likely to voluntarily acknowledge their paternity around the time of birth. By participating in the Voluntary Paternity Acknowledgment Program, you are helping children make connections with their parents that may benefit them in countless ways for the rest of their lives.

Please use this handbook to assist you in offering Voluntary Paternity Acknowledgment services to your patients, your clients and customers. Thank you for your efforts to improve the quality of life of families in Wisconsin.

Who Participates in the Voluntary Paternity Acknowledgment Program

Authorized Agencies: Under federal regulation, each state may decide which entities to include in the Voluntary Paternity Acknowledgment Program. Birth hospitals, as well as non-hospital entities, that have received training may participate in Wisconsin's Voluntary Paternity Acknowledgment Program. (See page 2 for information about the required training.) These entities are referred to as "Authorized Agencies."

The following policies cover various Wisconsin's Authorized Agencies:

- **Hospitals:** are required to participate in Wisconsin's Voluntary Paternity Acknowledgment Program, under § 69.14. Each birthing hospital must ensure that it has at least one trained, designated staff person. Hospitals are also required to provide notary public services to witness signatures.
- **Child support agencies:** must offer voluntary acknowledgment to all parents in IV-D cases in which paternity is an issue. The child support agency has the option of offering the service to non-IV-D parents. (IV-D is the title of the Social Security Act that governs the child support program. A family is classified as IV-D if they receive public assistance or complete an application and pay a fee to request services.)
- **State, county or city vital record offices, midwives, and tribal enrollment offices:** may participate in the Voluntary Paternity Acknowledgment Program by distributing and explaining the form if they have been trained.

If an agency or individual has not been certified as an Authorized Agency, staff may give out a sample *Voluntary Paternity Acknowledgment* form. However, parents must get a full explanation from an Authorized Agency before signing and filing the form. If it is clear a couple received a full explanation in the hospital, the local registrar may simply act as notary.

Other entities: such as child welfare offices, county nurses, physicians, health clinics and community agencies may provide *sample* forms and educational materials to assist young parents in understanding the process. However these agencies are not considered Authorized Agencies and **may not** supply official *Voluntary Paternity Acknowledgment* forms. Only Authorized Agencies (i.e., agencies authorized by the state) may supply the official *Voluntary Paternity Acknowledgment* forms to parents.

Background

1993 Wisconsin Act 16 funded a hospital based paternity establishment pilot, later named the Paternity Acknowledgment through Hospitals (PATH). The 2-year pilot operated in three birth hospitals (Sinai Samaritan in Milwaukee, Meriter in Madison and Theda Clark in Neenah).

Federal legislation in 1993 and 1996 implemented nationwide requirements that birthing hospitals provide unmarried parents with a written and verbal explanation of the opportunity to voluntarily establish paternity. Wisconsin law was updated in 1997 and 1998 to implement federal requirements. Wisconsin also chose to provide birth hospitals an incentive payment for correctly filed *Voluntary Paternity Acknowledgment* forms.

In May 1998, Wisconsin Act 191 was signed into law. It mandated that all birthing hospitals in the state participate in the voluntary paternity acknowledgment process and gave the filed *Voluntary Paternity Acknowledgment* form the same force and effect as paternity judgments issued by the courts.

Legislation that governs Voluntary Paternity Acknowledgment Program is outlined in §§ 49, 69 and 767 of state statutes, www.legis.state.wi.us/rsb/stats.html.

Section 2: Instructions

Before any staff person in hospitals, vital record offices, midwives, tribal enrollment offices, or child support agencies may give a blank *Voluntary Paternity Acknowledgment* form to parents, that staff person must be trained (i.e., "authorized"). Training involves four steps:

1. Watching the Department of Workforce Development's video *Voluntary Paternity Acknowledgment Training*.
2. Reading the:
 - Wisconsin "Voluntary Paternity Acknowledgment Rights and Responsibilities" attachment to the actual *Voluntary Paternity Acknowledgment* form
 - Filing instructions and fee information on the back of the *Voluntary Paternity Acknowledgment* form.
3. Reviewing the sample publications provided by the Bureau of Child Support and Department of Health and Family Services.
4. Reading the remaining pages of Section 2 in this handbook (pages 3 - 12).

Instructions for Completing the *Voluntary Paternity Acknowledgment* Form

- An [authorized](#) hospital staff must approach each unmarried mother. To protect confidentiality and to ensure sensitivity to any risk of domestic violence, always ask to speak to the mother alone when first addressing the subject of “the birth certificate.” If the mother wishes to have the father brought into the conversation, you may invite him back into the room or arrange a time to give the explanation of the rights and responsibilities when he can be present.

Please note:

If the mother is married to another man at the time of conception or birth, the couple **may not use** the *Voluntary Paternity Acknowledgment* form to establish paternity. Under the law, the husband is the child’s father.

If the mother is not married at the time of conception or birth, but the father is married to another woman, the couple **may use** the *Voluntary Paternity Acknowledgment* form.

- Staff in child support agencies must offer the voluntary acknowledgment option prior to initiating a court case to establish paternity (per federal regulation).
- Authorized staff in tribal enrollment and vital records offices and authorized midwives may respond to requests from individuals or couples.
- All authorized staff should:
 - Explain that paternity is the process of making a man the legal father of the child. Explain that by establishing paternity, a man’s name will be included on the child’s birth certificate as the child’s legal father. If paternity is not established, only the mother’s name will appear on the birth certificate. The father’s name will not be included.
 - Explain that the process of establishing paternity voluntarily involves both parents signing a *Voluntary Paternity Acknowledgment* form and having their signatures witnessed by a notary public. Go over the Rights and Responsibilities page attached to the *Voluntary Paternity Acknowledgment* form. Read the Rights and Responsibilities (pages A and B) as written on the form:
 - Ask the parents if they have questions. (See pages 4 - 11 for the answers to commonly asked questions.)
 - Show the parents the toll-free number in the *Voluntary Paternity Acknowledgment* form in case the parents have questions at a later time (bottom of page B).
 - Inform the parents that genetic testing is available, at a reduced cost, at their local child support agency. Explain that the form may be signed after the test results are known.
 - Refer parents who are hesitant about signing the *Voluntary Paternity Acknowledgment* form to other appropriate assistance such their child support agency or an attorney.
 - Ask the mother if she wants to establish paternity. Help her complete the form if she agrees. If the father agrees, help him complete his section. Please note: if either parent is under age 18, the minor parent’s parent or guardian must sign the form before a notary at the same time as the minor parent.
 - Provide access to notary services if the parents wish to sign the *Voluntary Paternity Acknowledgment* form.

- Inform the parents about their right to rescind (withdraw) their acknowledgment if they change their mind within 60 days. (See the explanation on the *Voluntary Paternity Acknowledgment* form, page B.)
- Assist the parents in determining what fee is appropriate, using the chart on the back of the *Voluntary Paternity Acknowledgment* form. Be sure a check for the correct fee(s) is included when filing the form.
- Authorized hospital staff must mail completed *Voluntary Paternity Acknowledgment* forms within five days of the child's birth to the State Vital Records office. (The 5-day rule only affects forms that were completed during the hospital stay.) If the form is not completed, the parents may keep the form and mail it in at a later date.)
- Authorized staff should keep the following in mind when completing the form:
 - Every area should be completed in black ink.
 - If an area does not have a response, the parent should write "none" in that area.
 - Parents should print neatly

How to avoid the most common oversights

In Section II:

- Parents should answer "yes" or "no" about changing the child's name

In Section III:

- Parents should not sign the form until they are in front of a notary public. The notary must witness parent's signatures.
- Parents under the age of 18 must have a parent or guardian sign the form at the same time the minor parent signs the *Voluntary Paternity Acknowledgment* form.
- A notary public must witness, date and seal each signature.
- Enclose the correct filing fee.
- Send completed forms as soon as possible to:

Division of Public Health
State Vital Records Office-VPA
PO Box 309
Madison WI 53701-0309

Questions and Answers

More information on the significance of using the Voluntary Paternity Acknowledgment

Q. Does signing this form give the father the right to custody or placement of the baby?

A: In Wisconsin, the mother has sole legal custody and placement when the mother was not married at any time during the pregnancy or after the child's birth. However, Wisconsin statutes are silent as to the affect of voluntary paternity acknowledgment on the father's custody or placement status. It is clear that the acknowledged father has the right to ask the court for custody (decision-making authority) and physical placement (visitation).

If the child support agency seeks a court order for support, it may be possible to ask for custody and/or placement orders at the same time.

Any party who is concerned about the immediate effect of custody by signing or filing a *Voluntary Paternity Acknowledgment* form may want to seek advice from an attorney to learn the interpretation of their local court before signing the *Voluntary Paternity Acknowledgment* form.

Q. What are an acknowledged father's immediate rights in regard to medical decisions?

- A. An acknowledged father may ask to be contacted when there are decisions to be made in the baby's health care. As in other situations where there is a "significant other" with no legal decision-making authority, the hospital should use its own policies or ethics committee to determine how much involvement the hospital will seek or accept from the father regarding the baby's medical care.

Q. Does acknowledging paternity affect the father's responsibilities to pay for the baby's birth and hospital care?

- A. Signing the *Voluntary Paternity Acknowledgment* form does not automatically obligate the father to pay his child's medical bills. However, the hospital is free to seek the father's agreement to sign as a guarantor for the child, and to sign the necessary release of information for his health insurance. If he has health insurance, filing the *Voluntary Paternity Acknowledgment* form will increase the likelihood that his insurer will cover the cost of the baby's care. Insurance companies may have different standards to prove a man is the father before the company accepts the infant on the insurance plan. However, insurance policies cannot refuse to cover the child just because the parents are not married or because the child does not live with the father.

Once this *Acknowledgment* form is filed with Vital Records, the court may order the father to pay support for the child. The court order may include medical support. If the pregnancy and birth were covered by Medicaid, the court may order the father to repay the birth costs. If he has insurance, he will need to provide documentation to the child support agency verifying the portion of the birth costs paid by his insurance.

Q. If a couple says they are planning to get married, should they use the *Voluntary Paternity Acknowledgment* form?

- A. It is their choice of course, but if the parents *are* interested in identifying the child's father they should sign the *Voluntary Paternity Acknowledgment* form. Unfortunately, it is possible that a break-up, or even death of one of the parents, could occur before their planned marriage. They *could* sign the Acknowledgment in front of notaries now and keep the form, pending their wedding date. After they're married, they can file an *Acknowledgment of Marital Child* form (*Legitimation*) form that will give the father a marital presumption.

If they file the *Voluntary Paternity Acknowledgment* form and get married, they may still file an *Acknowledgment of Marital Child* form (*Legitimation*) form (see instructions on the back of the *Voluntary Paternity Acknowledgment* form).

Q. What if the mother says she already gave the information to her caseworker? Should the hospital or midwife still use the *Voluntary Paternity Acknowledgment* form?

- A. They can. Mothers who receive public assistance benefits (including Medicaid, BadgerCare, W-2, and food stamps) are required to cooperate with the child support agency to establish paternity. One way to establish paternity is to use the *Voluntary Paternity Acknowledgment* form.

Appropriate use of this form may speed the process for the mother's required cooperation and involvement with the child support agency.

Q. What should we do if the couple says that they were married in another country, or that they had a "cultural" marriage?

- A. For purposes of filling out the birth worksheet at the hospital--if the mother said she was married in another country, the hospital would have to take her word for it and include the father's name on the original birth certificate. The hospital would usually accept the mother's word regarding marital status in any case. The child support agency might question that status later if the couple says they had a "cultural marriage" *on U.S. soil*, but they have no marriage license or adequate documentation. It is probably not a marriage for purposes of establishing child support, and paternity may need to be established. It could be appropriate for the couple to use the *Voluntary Paternity Acknowledgment* form.

Q. At times, we have non-resident parents who seem to be using false identification. How does this affect their use of the *Voluntary Paternity Acknowledgment* process?

- A. Neither Vital Records nor the child support program are in the habit of reporting to the Immigration and Naturalization Service (INS). However, it is a crime to falsify a birth record. Parents should be politely advised that it is important to put accurate information on the birth record and the *Voluntary Paternity Acknowledgment* form. Requiring a photo-ID is one way of ensuring the accurate identity of the father. Some hospital staff have found that using an interpreter to speak privately with parents will help the parents understand the importance of using their actual identification on the baby's birth records. Above all, consider the priority of ensuring that the infant and mother obtain the necessary prenatal and postnatal care for adequate health and safety, before raising such issues. The couple may have used the same identification to obtain Medicaid.

Please Note: the Internal Revenue Service offers a Tax Identification number (TIN) to use in lieu of a Social Security number. Many other governmental agencies also accept the Tax Identification number (TIN) in place of a Social Security number. The IRS form, *Application for IRS Individual Taxpayer Identification Number*, may be downloaded from the IRS website (IRS.gov). The English version of the form is W-7; the Spanish version is W-7(SP).

Authorized Agency Role in Explaining and Assisting with Filing of the *Voluntary Paternity Acknowledgment* form.

Q. Who do we give the *Voluntary Paternity Acknowledgment* forms to?

- A. Birth hospital staff must give the *Voluntary Paternity Acknowledgment* form to each unmarried mother. Staff should also share the form and its explanation with the father, if he is available. That does not mean staff must screen all male visitors. Staff should work with the man as the father only if he or the mother identifies him as the father, and the mother gives permission for him to participate in the discussion.

Other [Authorized Agencies](#) (e.g., child support agency, midwives, tribal enrollment, and vital records staff) will give the *Voluntary Paternity Acknowledgment* form to any parent who requests it. Staff should hand out the form only after the person or couple has had a full verbal explanation of their rights and responsibilities associated with, and alternatives to, voluntary paternity establishment.

Q. What does “full verbal explanation” mean?

- A.** Full verbal explanation means that staff must explain the key points of the *Voluntary Paternity Acknowledgment* form in-person or over the phone. A video or audiotape may also be used to provide an explanation. [Authorized Agencies](#) must have a [trained](#) staff person available to answer questions. It is not sufficient to just hand a mother the form and refer her to the toll-free number. Authorized staff should not give advice or give any interpretation of the *Voluntary Paternity Acknowledgment* beyond that provided in training from the State. (Trained child support agency staff may be able to answer more in-depth questions.)

Please Note: The *Voluntary Paternity Acknowledgment* form includes quotes directly from Wisconsin statutes. Staff do *not* have to read those pages (pages C and D). They may point statutes out to clients who are interested in that level of detail.

Q. How hard should staff try to convince parents to sign the *Voluntary Paternity Acknowledgment* form?

- A.** Staff should **NOT** try to convince anyone to sign the *Voluntary Paternity Acknowledgment* form. The process is a **voluntary** acknowledgement. If either parent has any doubts, the parent should not sign. If one or both of the parents have further questions, the parent should seek the services of their local child support agency or a private attorney.

Q. What if the parents seem unsure about signing the *Voluntary Paternity Acknowledgment* form?

- A.** If one or both of the parents seem hesitant, attempt to talk with the parents separately. The parent might want to ask about genetic tests, or there may be issues of abuse. Please note the reasons to not sign the form, listed on the form's Rights and Responsibilities page. (Reasons not to sign are listed on the form in two sections: the bottom of page A and the bottom of page B.) Voluntary Acknowledgment is designed for people who are sure who the father is, and who are sure that they want to use this out-of-court process. If the issue is genetic testing, refer the parent to their local child support agency for genetic testing at a reduced cost. If testing is the issue, parents should wait until the tests results are known before completing the *Voluntary Paternity Acknowledgment* form.

Q. What if either parent does not seem to understand the *Voluntary Paternity Acknowledgment* form?

- A.** State law does not provide for exceptions to who should receive the form in the hospital. However, a notary public should consider whether either the mother or the named father does not (even temporarily) have the capacity to understand the content and legal consequences of the *Voluntary Paternity Acknowledgment* form. If a parent does not seem to understand the significance of the form, staff may consider not offering the form at that time or not notarizing the signature. Please Note: a minor parent must have his/her parent or guardian co-sign the form at the same time the minor parent signs.)

Q. Parents sometimes ask complex legal questions about paternity and support. What should staff tell them?

- A.** Staff, other than child support agencies, should acknowledge that the person has asked a good question but add that you don't know the answer and cannot give legal advice. For further clarification or information, the parents should contact their local child support agency. For legal advice, the parents or any concerned party should consult an attorney.

Q. What if one or both parents change their mind and ask the hospital not to mail the notarized *Voluntary Paternity Acknowledgment* form?

- A. Once the *Voluntary Paternity Acknowledgment* form has been signed by both parties before a notary, it is a legal document. If the couple is in agreement and asks to keep the notarized form, it is the parents' choice. If the form is in the hospital's possession, there appears to be a statutory obligation for the hospital to file the *Voluntary Paternity Acknowledgment* form.

The state recognizes, however, that the hospital has a primary obligation to maintain the relationship as health care provider, and that use of the *Voluntary Paternity Acknowledgment* form is intended to be completely voluntary. If both parents or just the mother (your patient) clearly want to retract this statement, weigh the situation considering the hospital's statutory duty, the benefits to the child, and your provider/patient relationship with the mother. The original document, once signed, should never be destroyed, but rather kept with the medical record if not mailed. Hospital staff may want to consult with their legal department.

Please Note: If the notarized *Voluntary Paternity Acknowledgment* form is not returned to the parent(s), the staff should provide the parent(s) with the *Request to Withdraw Voluntary Paternity Acknowledgment* form and inform the parent(s) that the *Request to Withdraw* must be filed within 60 days. If the hospital supply of the *Request to Withdraw* form is depleted or the parent(s) needs more information, refer the parent(s) to the local child support agency for assistance.

Q. What if either parent changes his/her mind after the *Voluntary Paternity Acknowledgment* form has been filed with the State Vital Records office?

- A. If the *Voluntary Paternity Acknowledgment* form has been filed with the State Vital Records office, either parent can rescind the *Voluntary Paternity Acknowledgment* form by completing a *Request to Withdraw Voluntary Paternity Acknowledgment* form. A parent should submit the signed and notarized *Request to Withdraw*, with the correct fee, within 60 days after filing the *Voluntary Paternity Acknowledgment* and before any court order is entered regarding support or custody.

If it has been more than 60 days after filing or 60 days after a parent turns 18 (whichever is later), a party wanting to overturn the Voluntary Paternity Acknowledgment would have to file a court case, alleging fraud, duress, or mistake of fact. This is an issue for which the parents should consult an attorney.

Q. Does a hospital have to provide a notary public? What about a child support agency or vital records office?

- A. Yes, under state law the hospital must provide the opportunity to have the *Voluntary Paternity Acknowledgment* form notarized while in the hospital. Reasonable accommodations are expected, by making notary services available seven days a week, on sufficient shifts that any parent would have access some time during their postpartum stay.

Under federal regulation, other [Authorized Agencies](#) that participate in the Voluntary Paternity Acknowledgment Program must offer notary public services.

Q. What are the responsibilities of a notary?

- A. See the *Notary Public Information* brochure for information about the process of becoming a notary and the responsibilities involved. Applications are filed with the Secretary of State, and the notary must be "bonded" for \$500. Each notary must also have an official seal. For a copy of the Notary Public Information brochure, forms and information, visit the Secretary of State's website <http://www.sos.state.wi.us/notary.htm>.

When notarizing the *Voluntary Paternity Acknowledgment* form, the notary must ask the parties for proof of identification--ask the father and ask the mother (if she is no longer a patient at the time of signing the *Voluntary Paternity Acknowledgment* form). The notary should ask each signer if he/she understands what is being signed, and if he/she swears that the information on the form is true. If the signer does not speak English, the notary may proceed with the notarization if the notary is certain the signer understands the content of the document and realizes the consequences of signing it.

If a parent or guardian of a minor parent signs the form, he or she must do so at the same time as the minor parent and in front of a notary.

Process of Completing and Filing the *Voluntary Paternity Acknowledgment* form

Q. What if the mother wants to use the *Voluntary Paternity Acknowledgment* form, but the father is unable to sign it at the same time?

- A. If she wants to sign while she's still a patient, the hospital staff should check the *Voluntary Paternity Acknowledgment* form for accuracy and witness the mother's signature. The form that the mother signed may then be sent to wherever the father resides. The father's signature can be done in front of another notary. The couple may mail the form to the State Vital Records office. Remind the parents to re-read the instructions and pay close attention to accuracy. The father should use the toll-free number on the form to listen to the explanation of his rights and responsibilities before signing. It is helpful, but not mandatory, for the hospital to provide the couple with a pre-addressed envelope to ensure timely follow-through on the part of the new parents.

Q. Do both parents have to sign on the same *Voluntary Paternity Acknowledgment* form?

- A. Yes, both parents' signatures (and any grandparent or guardian signatures for a parent who is a minor child) must be on the same *Voluntary Paternity Acknowledgment* form. The guardian must sign at the same time as the minor parent and must be witnessed by the same notary. Any exceptions would need to be addressed by the State Vital Records office. The parents may sign the same form at different times using different notaries.

Q. Who can name the child?

- A. Unless someone else has been assigned legal custody, the (unmarried) mother is the only person who has the right to make the final decision about the infant's name. The couple may agree on a name, but filing a *Voluntary Paternity Acknowledgment* form does not give the father the right to name the infant. The baby does not have the father's surname, even if the parents sign an Acknowledgment. It is not uncommon for the child to have the mother's surname.

§769.15 provides that a parent may change the name of a child within the first year, but only if that parent has sole legal custody. §767.51(3m) allows the court to order a hyphenated last name for the child only in paternitys that are decided by the court in contested cases. If a couple files a *Voluntary Paternity Acknowledgment* form, and neither party rescinds it, the court will not decide paternity under that statute.

Q. If the mother did not name the baby on the original birth certificate, what should be entered in the top line of the *Voluntary Paternity Acknowledgment* form?

- A. The top line should state the child's name as it appears on the most recent version of the birth record. If the hospital submitted the record as "unnamed," then "unnamed" should be entered as

the child's first name. Enter the mother's last name as the child's last name. If the parents chose the baby's name at a later date, they may file another *Voluntary Paternity Acknowledgment* form with the new name in Section II. If the second form is filed in the first year after birth, there is no additional name-change fee.

Q. Can the hospital enter the father's name on the birth certificate after obtaining a signed *Voluntary Paternity Acknowledgment* form?

- A. No. The hospital may not enter the father's name on the birth certificate/worksheet/electronic registration just because the man has signed a *Voluntary Paternity Acknowledgment form*. This can only be done at the State Vital Records office.

Q. How long should couples wait before requesting a birth certificate from the State Vital Records office, to ensure that the birth certificate will include the father's name as added via the *Voluntary Paternity Acknowledgment*?

- A. If the *Voluntary Paternity Acknowledgment* form has already been filed, advise parents to wait at least 20 business days before requesting a new birth certificate from the local registrar. This will allow time for data entry, mail delays, etc.

If the *Voluntary Paternity Acknowledgment* form is sent directly to the State Vital Records office with the request for a birth certificate and a check for the appropriate amount (include the fee for filing the Acknowledgment **and** the fee for the birth certificate), the updated birth certificate will be mailed to the mother within about 15 business days.

Q. Can the father obtain a copy of his infant's birth certificate if he has signed the acknowledgment?

- A. If his name is entered on the birth certificate as the father of the child, he may obtain a certified copy of the child's birth certificate. He may not obtain a copy of the child's birth certificate before his name is entered on the birth certificate as the father.

Q: What if the couple does not have a checking account to pay the filing fee?

- A. The [Authorized Agency](#) may issue a check to the State Vital Records office and attach it to the *Voluntary Paternity Acknowledgment* form when the form is mail to the State Vital Records office. The fees may also be paid with a money order. Except for child support agencies, Authorized Agencies should send in separate checks for each Acknowledgment--if there is an error on the form, both the form and check are returned to the mother. Child support agencies may send in one check for more than one Acknowledgment as both the form and the check will be returned to the child support agency.

Q. What if either the mother or the alleged father is under age 18?

- A. Wisconsin law does not prohibit minors from signing the *Voluntary Paternity Acknowledgment* form. However, a minor parent and his/her parent or legal guardian must sign the form at the same time and in the presence of the same notary public.

When minors are involved, there may be questions about statutory rape or about grandparent liability. When a parent is a minor, the parties may want to seek private legal advice or seek the services of the local child support agency to establish paternity.

Please Note: The Grandparent Liability Law, although not often used, allows a court to order the parents of a minor parent to pay child support for their grandchild until the minor parent reaches the age of majority.

Q What if the mother is married to someone else, but she believes the husband is not the father?

- A. The Voluntary Paternity Acknowledgment process can only be used if the mother is unmarried at the time of the baby's conception and/or birth. If the mother was married at any time during the period from conception to birth, the husband's name must be listed on the original birth certificate. The husband's name must be removed from the birth certificate through a court action before the alleged biological father's paternity status can be established.

Q. What if the mother is not sure who the biological father is?

- A. The *Voluntary Paternity Acknowledgment* form should **not** be used if there is more than one possible father of the child. All mothers should be told that every man must be considered a possible father if the mother and a man had sexual relations during the "conceptive period"- generally 240 to 300 days before the due date. The local child support agency provides paternity establishment procedures that include genetic testing to exclude or identify probable fathers.

Q. Can couples use the Voluntary Paternity Acknowledgment process for older children?

- A. Yes, if an older child does not have a father listed on his/her birth certificate. An [Authorized Agency](#) may assist the couple in signing and filing a *Voluntary Paternity Acknowledgment* form for older children.

If a couple had used an older *Voluntary Paternity Acknowledgment* form (that was tan or yellow) to acknowledge paternity for a child born before May 1, 1998, the couple could use the updated form *Voluntary Paternity Acknowledgment* form to strengthen the legal status of the paternity establishment.

Q. What if the father lives in another state, is in the military, or is incarcerated?

- A. The *Voluntary Paternity Acknowledgment* form can be mailed to the father. The father should use the toll-free number on the form to listen to the explanation of his rights and responsibilities before signing. The father's signature must be done in front of a notary public. Parents may sign the **same** *Voluntary Paternity Acknowledgment* form separately and in front of different notaries.

Q. If one of the parents dies after the Voluntary Paternity Acknowledgment form is signed and notarized, should the form be filed with Vital Records?

- A. Yes. The establishment of paternity can be a benefit to the child and the surviving parent. The Acknowledgment may ensure the child's legal rights if the father dies. If the mother dies, the process may help ensure the father's parental rights.

Q. Can the Voluntary Paternity Acknowledgment process be used for an infant that has died?

- A. Yes. This may be an appropriate process. If the infant has died, and the infant's birth was registered with the State Vital Records office, the Voluntary Paternity Acknowledgment process may be used. However, if the child was "stillborn," there is no birth certificate and therefore no formal Paternity Acknowledgment process.

Best Practice Tips

- Use the To New Moms and Dads (yellow) folders with as many child support booklets and brochures the parents may find helpful. However, place the booklets and brochures in a different pocket than the *Voluntary Paternity Acknowledgment* form.

- Write “none” in space for the Social Security number (i.e., do not leave it blank) if a parent does not have a Social Security number or a Tax Identification number.
- Write “COPY” on any photocopy of the signed *Voluntary Paternity Acknowledgment* form that you give to a parent. (Photocopies are optional.) Only the original *Voluntary Paternity Acknowledgment* form can be filed with the State Vital Records office.
- [Authorized Agencies](#) may opt to pay the fee for parents who are not able to afford the fee.
- Provide the couple a pre-addressed envelope to ensure timely follow through on the part of the new parents if they do not complete the form while in the hospital. (Optional)

Information & Contacts

Website for Authorized Agencies dwd.wisconsin.gov/bcs/path.htm (public access)

Local child support agencies

For questions about the legal process of the voluntary paternity acknowledgment and the alternatives, contact your local child support agency. Contact information for child support agencies is available on the BCS website at childsupport.wisconsin.gov/cslist.

Bureau of Child Support/Voluntary Paternity Acknowledgment Program Coordinator

Bureau of Child Support
PO Box 7935
Madison WI 53707-7935

Phone: 608-266-9909

FAX: 608-267-2824

Email: bcsinfo@dwd.state.wi.us

State of Wisconsin Vital Records

For questions about the mechanics of completing and filing the Acknowledgment or Withdrawal form, contact the State of Wisconsin Vital Records office.

Division of Public Health Care Financing
Vital Records/VPA
PO Box 309
Madison, WI 53701-0309

Phone: 608-266-1373

Email: VitalRecords@dhfs.state.wi.us

Section 3: Administrative Issues

Notary Public Services

To become a notary public, follow the process explained in the Office of the Secretary of State's brochure, *Notary Public Information*. All application forms and the informational brochure can be downloaded from the Secretary of State's website at www.state.wi.us/agencies/sos/.

Best Practice Tip: If a parent cannot sign the Voluntary Paternity Acknowledgment in your office or facility, but wants to sign it later, it is helpful if you let them know where notary services are available locally. All local child support agencies and many banks provide notary services. Notaries are also listed in the Yellow Pages.

Process for Payment of Incentive (for Birth Hospitals)

When the Wisconsin Vital Records Office receives a *Voluntary Paternity Acknowledgment* form, the Office checks the form for completeness and accuracy and matches the form against existing birth records. If the form meets filing standards and the correct fee is included, the child's birth certificate is updated and the *Voluntary Paternity Acknowledgment* form is filed.

If a hospital's name is written or stamped on the back of the *Voluntary Paternity Acknowledgment* form, the Vital Records Office records manager enters the hospital name into a database.

On a quarterly basis, the Vital Records Office sends a list to the Department of Workforce Development of the Acknowledgments filed during the past three months. Using database information that was submitted by the hospital, the Department sends the quarterly incentive payment to each hospital on the list.

The incentive payment is \$20 per Acknowledgment that is correctly filed within 60 days after the child's birth. Along with its quarterly payment, the hospital receives a list with the name of each baby and mother for whom an Acknowledgment was filed within 60 days. Hospitals may use this information to track its participation rate. The list will also note the number of Acknowledgments received and filed from the hospital, after the 60-day time limit.

Keeping your Authorized Agency information up-to-date

The Department of Workforce Development needs to have accurate information about [Authorized Agencies](#) in order to pay birth hospitals and to keep all Authorized Agencies up-to-date regarding policies, new literature, etc.

Information needed for Birth Hospitals (for payments):

- name and address for remittances
- Federal Employer Identification Number (FEIN).

Information needed for **all** [Authorized Agencies](#) for updates on the Voluntary Paternity Acknowledgment process:

- the Voluntary Paternity Acknowledgment contact person at each facility
- their first class mailing address and phone number
- a street address to mail packages
- email address if available
- FAX number if available.

Authorized Agencies should submit updates to:

Bureau of Child Support, Voluntary Paternity Acknowledgment Coordinator
PO Box 7935
Madison, WI 53707-7935
FAX 608 267-2824
Email: bcsinfo@dwd.state.wi.us

Section 4: Forms and Materials

All forms and informational materials used in the Voluntary Paternity Acknowledgment program are provided by the State of Wisconsin at **no cost**. Most items are available in Hmong and Spanish. Below are a list of forms that **must** be used and other materials that **may** be used by [Authorized Agencies](#) participating in the program. You can preview many of these items at www.dwd.state.wi.us/bcs/pubs/pubtitle.htm

Forms that Must Be Given to Parents

- *Voluntary Paternity Acknowledgment* form (DPH 5024)
- *Request to Withdraw Voluntary Paternity Acknowledgment* form (DPH 5029) upon request

These two forms will be provided only to [Authorized Agencies](#). The two forms listed above should **not** be duplicated for use as revisions might have been made. Whenever revisions are made, the state will distribute a supply to each Authorized Agency, with instructions to destroy obsolete existing stock.

[How to order these two forms](#)

Materials that Should Be Given to Parents

- To New Moms and Dads folder, available in English, Hmong and Spanish. [How to order.](#)
- Wisconsin Child Support program booklet, available in English, Hmong and Spanish. [How to order.](#)
- Facts about your child's birth certificate. [How to order.](#)

Materials Available for Additional Information

- Legal Fatherhood: What Mothers Need to Know (available in English, Hmong and Spanish)
- Legal Fatherhood: What Fathers Need to Know (available in English, Hmong and Spanish)
- When Teens Become Parents (available in English, Hmong and Spanish)
- Help Your Baby Get a Step Ahead in Life (brochure) (available in English, Hmong and Spanish)
- Help Your Baby Get a Step Ahead in Life (poster) (available in English and Spanish)
- Could You Be My Father (poster)

[How to order the above items](#)

Special Materials for Authorized Agencies Only

- The Power of Two Video (available in English and Spanish)
A video, for parents, provides detailed information about the Voluntary Paternity Acknowledgment
- Voluntary Paternity Acknowledgement Training Video
A video, for Authorized Agencies, to train new staff about the Voluntary Paternity Acknowledgement program
- Voluntary Paternity Acknowledgment Training Guide
A binder that includes this guide and related materials

Order these special materials from the [Child Support, Voluntary Paternity Acknowledgment Coordinator](#)

Ordering Vital Records Forms

The *Wisconsin Voluntary Paternity Acknowledgment* (HCF 5024) form, *Request to Withdraw Voluntary Paternity Acknowledgment* (DOH 5029) form, *Acknowledgment of Marital Child* (Legitimation) (HCF 5023) form and *Facts about your child's birth certificate* can only be ordered through the State of Wisconsin Vital Records Office.

- Email: VitalRecords@dhfs.state.wi.us
- Or call 608-266-1373

Ordering Child Support Forms and Publications

You may order copies of child support's publications **free of charge**. Orders may be placed for single copy or multiple copies of one or more items. Click here for list of popular publications.

Single Copy

You can download and print the English, Hmong and Spanish insert pages from the *To New Moms and Dads* (yellow) folder directly from the Paternity Partners website at dwd.wisconsin.gov/bcs/path.htm

You can print a single copy of any child support form, booklet or brochure directly from the Bureau of Child Support's website at childsupport.wisconsin.gov (then click on the "[child support forms and publications](#)" link). Child support forms and publications are listed and are sorted by topic.

You can choose to print an item in web format or printer-friendly format. For a printer-friendly format, open the item you wish to print. The last menu/topic item is a "print format" link. Click on the "print format" link to open up the publication in the Adobe Acrobat(r) Reader. Use the print button on the Adobe Acrobat(r) Reader tool bar. Please note: forms are only available in the "printer-friendly" format.

- For Spanish-language publications, the print format link is "Folleto de la impresión."
- For Hmong-language publications, the print format link is "Ntaub ntawv."

You may also order a single printed copy by sending an email to bcsinfo@dwd.state.wi.us. Please include the name of the publication or form, your name and your street address. If you want the Spanish or Hmong version, please let us know.

Multiple Copies

You may order multiple copies (free of charge) of child support materials by:

- Email Doc. Sales at docsales@doa.state.wi.us with your request. Please include your **street** address along with the titles or publication numbers, quantities and language of the desired publications.
- Call Doc. Sales with your request
 - 608-264-9419 (Madison area)
 - 800-362-7253 (outside the Madison area)

Website for Authorized Agencies

The Bureau of Child Support provides [Authorized Agencies](#) with the Paternity Partner website www.dwd.state.wi.us/bcs/path.htm (public access).